

Remarks

Prior to entry of this amendment, claims 7-20 were pending in the application. Claims 1-6, 11-12, 15 and 17 are canceled herein without prejudice to renewal. Applicants expressly reserve the right to prosecute this subject matter in divisional or continuation applications, as appropriate.

Claims 7, 10, 14 and 16, 18-20 are amended herein. Claim 7 is amended herein to incorporate the limitations of claims 11, 12 and 15. Additional support for the amendment of claims 7, 10, and 14 can be found throughout the specification, such as on page 6, lines 10-22; page 7, lines 5-29; page 29, line 10 to page 31, line 23; and Fig. 7. Support for the amendment of claims 16 and 20 can be found throughout the specification, such as on page 6, lines 10-22; page 7, lines 5-29; page 29, line 10 to page 31, line 23; and Fig. 8. Claims 18-20 are amended to correct dependency.

Support for new claims 21-22 can be found throughout the specification, such as on page 39, lines 9-10. Support for new claim 23 can be found throughout the specification, such as on page 38, lines 6-7.

No new matter is introduced by the foregoing amendments. After entry of this amendment, **claims 7-10, 13-14, 16 and 18-23 are pending in this application**. Consideration of the pending claims is requested.

Interview Summary

Applicants thank Examiner Babic for the helpful telephone conference of May 3, 2007, wherein proposed claim amendments were discussed. If any additional amendments are required before a Notice of Allowance is issued, Examiner Babic is requested to contact the undersigned for a follow-up telephonic interview.

Election/Restrictions

Claims 1-6 are canceled herein, without prejudice to renewal. Applicants expressly reserve the right to prosecute these claims in a divisional application.

Specification

The disclosure was objected to for including hyperlinks on pages 5, 6, 40, 41, 44 and 45. The specification is amended herein to delete the hyperlinks, rendering the objection moot.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 7-9 and 16-19 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for not including an active method step that correlates determination of risk or diagnosis of SMD with respect to FIBL-6. Claims 17 is canceled herein. Claims 7-9 and 16-19 are amended herein to clarify the steps in the method, rendering the objection moot.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 7-20 are rejected under 35 U.S.C. § 112, first paragraph as allegedly there is insufficient written description in the specification for detecting acute macular degeneration (AMD) with any mutation within FIBL-6 gene. Claims 11-12, 15 and 17 are canceled herein, rendering this rejection moot as applied to these claims. Applicants respectfully disagree with the rejection as applied to claims 7-10, 13-14, 16 and 18-20.

The Office action acknowledges that “the specification clearly discloses results that suggest Gln5345Arg to be associated with AMD” (see page 6 of the Office action). The Office action also acknowledges that the specification discloses the association of this mutation with AMD in humans (see page 7 of the Office action). Solely to advance prosecution, the pending claims have been amended to be limited to the detection of substitution of arginine for glutamine at position 5345 of the FIBL-6 protein (SEQ ID NO: 2, encoding by the FIBL-6 nucleic acid set forth as SEQ ID NO: 1), and correlating this mutation with AMD. Applicants believe that these amendments render the rejection moot.

Claims 7-20 are also rejected under 35 U.S.C. § 112, first paragraph as allegedly there is insufficient written description for the diagnosis of AMD in any mammalian subject, but the Office action acknowledges that there is sufficient written description for the detection of AMD in human subjects. Claims 11-12, 15 and 17 are canceled herein, rendering this rejection moot as applied to these claims. Applicants respectfully disagree with the rejection as applied to claims 7-10, 13-14, 16 and 18-20. Solely to advance prosecution, the pending claims have also been

amended to be limited to human subject. Applicants submit that the amendment of the claims render the rejection moot.

Claims 7-20 are also rejected under 35 U.S.C. § 112, first paragraph as allegedly there is insufficient written description for methods for diagnosis of AMD using any mutation in the FIBL-6 gene. Claims 11-12, 15 and 17 are canceled herein, rendering this rejection moot as applied to these claims. Applicants respectfully disagree with the rejection as applied to claims 7-10, 13-14, 16 and 18-20.

The Office action acknowledges that there is sufficient written description for claims directed to methods for determining if a subject is at risk for developing AMD and to confirming a diagnosis of AMD. Thus, in order to obtain a rapid allowance of the pending claims, claims 7 and 16 have been amended to be directed to a method for determining if a subject is at risk for developing AMD, and to a method for confirming diagnosis, respectively. Applicants believe that these amendments render the rejection moot.

Claims 7-20 are rejected under 35 U.S.C. § 112, first paragraph as allegedly the specification is not enabling for methods for detecting acute macular degeneration (AMD) using any mutation within FIBL-6 gene. In addition, the Office action alleges that the detection of mutations in the FIBL-6 gene in any mammal is not enabled by the specification. Claims 11-12, 15 and 17 are canceled herein, rendering this rejection moot as applied to these claims. Applicants respectfully disagree with the rejection as applied to claims 7-10, 13-14, 16 and 18-20.

The Office action acknowledges that the association between Gln5345Arg mutation in FIBL-6 and the development of AMD in humans is enabled by the specification (see page 16 of the Office action). The claims are amended herein to be directed to methods for confirming a diagnosis of AMD, or to determining if a subject is at risk for AMD, by detecting a Gln5345 mutation in FIBL-6 in a human subject, rendering the rejection moot.

Rejections Under 35 U.S.C. § 102

Claims 7-9, 13-14 and 16-20 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Klein et al. (Arch. Ophthalmol. 116: 1082-8, 1998). Claim 17 is canceled herein,

rendering the rejection moot as applied to this claim. Applicants respectfully disagree with this rejection as applied to claims 7-9, 13-14, 19 and 18-20 as amended.

Claims 11-12 and 15 were noted to be free of the prior art of record (see page 19 of the Office action). Solely to advance prosecution, claims 7 and 16 are amended herein to incorporate the limitations of claims 11 and 12. Claims 8-9 and 13-14 depend from claim 7 or a dependent claim thereof. Claims 18-20 are amended herein to depend from claim 16. Thus, claims 7-9, 13-14, 16 and 18-20 should be free of the prior art of record. In view of the claim amendments, reconsideration and withdrawal of the rejection are respectfully requested.

Request for Interview

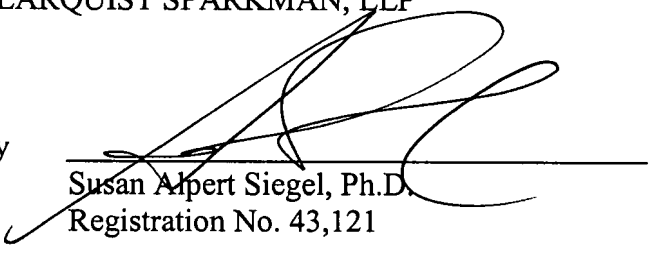
Applicants believe that claims are in condition for allowance, which action is requested. As discussed with Examiner Babic, if an additional rejection is asserted, or if the present rejections are maintained, the Examiner is formally requested to contact the undersigned prior to issuance of the next Office action, in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. This request is being submitted under MPEP §713.01, which indicates that an interview may be arranged in advance by a written request.

Respectfully submitted,

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